NATIONS

E

Economic and Social Council

Distr.
GENERAL
E/CN.4/2001/NGO/123
13 February 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement*/ submitted by the International Centre for Human Rights and Democratic Development, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. * 2 0 0 1 0 1 1 7 2 *

ENG

The situation in Colombia

1. In spite of "tough" recommendations by the United Nations High Commissioner for Human Rights to the Colombian Government in March, 2000, the human rights situation in the country has deteriorated further.

2. The degradation of the internal armed conflict and its effects on the civilian population; the increase in human rights violations, including civil and political rights, as well as economic, social and cultural rights; the continuation of permissive attitudes towards, as well as direct and indirect aiding and abetting of paramilitary activities by members of the armed forces; the lack of protection of the basic rights of people forced to migrate internally; and the implementation of a predominantly militaristic response to narcotrafficking through Plan Colombia; are some of the major concerns of Rights & Democracy at the beginning of 2001.

Degradation of the Internal Conflict

3. Despite positive efforts by the Pastrana Government to continue in its dialogue with the major insurgent organisations, the Armed Revolutionary Forces of Colombia (FARC) and the National Liberation Army (ELN), with the goal of reaching a negotiated political settlement to the internal armed conflict, the setbacks have been many.

i) The temporary suspension of talks by the FARC pending State control over paramilitary forces, and the government's recognition of the demilitarized zone only until the end of January, 2001 pending concrete "efforts for peace" from the FARC, imply the possibility of full suspension of the peace talks and further intensification of the conflict.

ii) Discussions with the ELN regarding their proposal for a National Convention involving Colombian society in the design of an eventual peace accord, moved forward during 2000. However, the adamant refusal of paramilitary-backed civilian organizations continued to thwart its implementation. To date the government has not resolved this impasse.

4. Meanwhile, the armed conflict raged on, escalating levels of human degradation and intolerable suffering within the unarmed civilian population. Massacres, threats, assassination, displacement, and forced disappearance of civilians, including human rights workers, trade unionists, indigenous, academics, journalists, and community workers by the paramilitary, in many instances assisted directly or indirectly by members of the Armed Forces, increased during the past year. Almost 100% impunity meant few were prosecuted for gross human rights violations.

5. The number of kidnappings and threats of extortion, selective assassination of civilians, the use of military tactics violating international humanitarian law (gas canisters packed with gunpowder and shrapnel), and the destruction of infrastructure (hydro-electric towers, oil pipelines), by insurgent groups, increased. The forced recruitment of minors by both the guerrilla and the United Self-Defence Forces of Colombia (A.U.C.) is of grave concern.

6. To date, the Colombian State has been ineffective in preventing attacks from all parties in the armed conflict and in protecting threatened civilians.

Deterioration of the Human Rights Situation

7. According to recent reports, the number of victims of political violence and deaths in combat rose from 12 to 14 per day in 2000. The paramilitary, especially the A.U.C., are deemed responsible for 78% of human rights violations, and as has been consistently reported by international organizations, governmental and non-governmental alike, are frequently supported, openly or indirectly, by members of the Colombian Armed Forces. Detailed reports of imminent paramilitary attacks on civilians have consistently been brought to the attention of the appropriate authorities but action was seldom taken to prevent the pending tragedy.

8. While modest efforts by the Colombian State to apprehend and prosecute members of the paramilitary and members of the Armed Forces accused of collusion with them, are laudable, a much more decisive response is required if a peace process guaranteeing basic human rights is to move forward.

9. The targeted assassination and forced disappearance of, and threats to, human rights workers continued to affect the capacity of civil society to defend basic human rights. Indigenous leaders have been especially victimised by all of the armed actors, in spite of their proclamations of neutrality and autonomy. Journalists, Afro-Colombians, academics, and community leaders have been increasingly targeted. More than 60 trade unionists were assassinated and 678 forcibly displaced after receiving death threats (reports received by the OIT) during 2000.

10. Colombia is the kidnapping capital of the world. This practice, used increasingly by the guerrilla to finance their activities, causes further degradation of the conflict and untold suffering not only to victims but also to family and community members. Arbitrary killings of civilians and indiscriminate military attacks by insurgent force have likewise increased over the past year.

11. To be commended is the passing of a law in 2000 which criminalized forced displacement, disappearance, and genocide. However, the issue of impunity regarding Armed Forces personnel remained a serious concern, despite the new Military Code. Military judges frequently continued to ignore a Constitutional Court decision requiring that cases involving Armed Forces personnel associated with gross human rights violations be tried in civilian courts.

Forced Displacement

12. A report released in 2000 by Francis Deng, the U.N. Secretary-General's representative on internally- displaced people, describes Colombia's situation as among the gravest in the world. Approximately two million unarmed civilians have been forcibly displaced from their homes and communities due to the internal armed conflict, the majority of whom are women and children. Many are "hidden from view" in the slums of large urban centres, other are barely surviving in makeshift refugee camps in Colombia.

13. Often without appropriate documentation, the civil and political rights of displaced persons are frequently ignored this situation affects women especially. State resources for shelter and sustenance have not provided even minimally for basic needs, and a law passed in 1997 which outlined a comprehensive program to assist displaced people, has not been implemented.

14. In the past year, the number of internally displaced arriving in Panama, Ecuador, and Venezuela has increased significantly, as the conflict in Colombia assumes regional dimensions.

Narcotrafficking and "Plan Colombia"

15. The intensity of Colombia's conflict was modified during 2000 by the infusion of dramatically increased military assistance from the US government, ostensibly to make inroads on curtailing drug trafficking.

16. The introduction of substantial new US military assistance in a situation of intense conflict further polarised Colombia's crisis, both with guerrilla organisations and among civil society. Aerial fumigation of coca and poppy crops, as a major component of US strategy, threatens to substantially increase internal displacement, refugee flows to neighbouring countries, intensified levels of combat, and regionalization of the conflict.

17. Although the US Congress made its "drug war" military aid dependent upon improvements in human rights protection, President Clinton waived this requirement on the basis of a national security advisory so funds could flow to Colombia. Even though human rights violators were not persecuted, and despite the continued involvement of members of the armed forces in paramilitary atrocities, President Clinton or President-elect Bush is expected to again use the right to waiver within the next few weeks

RECOMMENDATIONS

1. Rights & Democracy urges the Commission to assist and pressure the Colombian government to combat paramilitarism effectively and to dismantle it completely, and to prosecute those who lead, organize and finance it, including public servants, and especially members of Colombia's Armed Forces.

2. The Commission should likewise support the Colombian government as it continues to ensure that guerrilla members, in violation of international humanitarian law, are brought to justice.

3. The Commission is called upon to effectively support concrete efforts by the Colombian government to strengthen and broaden the search for a negotiated political settlement to the internal armed conflict; to urge the government and insurgent groups to reach a verifiable agreement to respect human rights and international humanitarian law; and to respond to the efforts of Colombian society in general to strengthen movements for lasting peace with justice.

4. The Commission should reaffirm the importance of the United Nations Office in Colombia of the High Commissioner for Human Rights; the Colombian government must be assisted and

encouraged to implement recommendations from the High Commissioner's Reports, as well as those of Special Rapporteurs who have visited the country.

5. The Commission should ensure that the Colombian government design and implement a comprehensive and gender-sensitive plan to respond to the basic rights of displaced people.

6. The Commission should use its good offices to pressure the United States government to effectively condition military assistance to Colombia to ensure its aid does not benefit military units that commit abuses, either directly, or by aiding and abetting the paramilitary. The human rights conditions attached to the aid package must be strictly adhered to, periodically evaluated for compliance by Colombian authorities, and thoroughly reported.

7. The Commission is called upon to support political rather than military responses to the problem of narcotrafficking in Colombia. The exclusive use of force to reduce the cultivation and trafficking of illicit drugs has proven illusory. The implementation of political and social transformations providing viable alternatives, including authentic agrarian reform, is essential in reducing rural acreage dedicated to illicit drug production.